

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

GILBERTO MARTINEZ GOMEZ
LAURA M. SERRANO SANTANA
DEBTOR(S)

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CASE NO. 12-03113-MCF

CHAPTER 13

MOTION AND NOTICE OF FILING OF POST-CONFIRMATION
MODIFICATION OF CHAPTER 13 PLAN, 11 USC SECTION 1329

TO THE HONORABLE COURT:

NOW COME, GILBERTO MARTINEZ GOMEZ and LAURA M. SERRANO SANTANA, through the undersigned attorney, and very respectfully state and pray as follow:

1. The debtors are hereby submitting a Post-confirmation Modification of Chapter 13 Plan, dated August 13, 2013, herewith and attached to this motion.
2. This Post-confirmation Modification of Chapter 13 Plan is filed to consent to the modification of the automatic stay in favor of Banco Popular de Puerto Rico for loss mitigation purposes only.

NOTICE

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this notice was sent by the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee; and also certify that I have mailed by United States Postal Service copy of this motion to the following non CM/ECF participants: debtors, Gilberto Martinez Gomez and Laura M. Serrano Santana; and to all creditors and parties in interest, in the present case.

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Case no. 12-03113-MCF

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 13th day of August, 2013.

/s/ Roberto Figueroa Carrasquillo

ROBERTO FIGUEROA-CARRASQUILLO

USDC #203614

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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 3:12-bk-3113



MARTINEZ GOMEZ, GILBERTO & SERRANO SANTANA, LAURA MARGARITA

Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>8/13/2013</u> <input type="checkbox"/> AMENDED PLAN DATED: _____ <input type="checkbox"/> PRE <input checked="" type="checkbox"/> POST-CONFIRMATION Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																																					
<p>I. PAYMENT PLAN SCHEDULE</p> <table style="width:100%;"> <tr> <td>\$</td> <td>200.00</td> <td>x</td> <td>24</td> <td>= \$</td> <td>4,800.00</td> </tr> <tr> <td>\$</td> <td>1,277.00</td> <td>x</td> <td>36</td> <td>= \$</td> <td>45,972.00</td> </tr> <tr> <td>\$</td> <td></td> <td>x</td> <td></td> <td>= \$</td> <td></td> </tr> <tr> <td>\$</td> <td></td> <td>x</td> <td></td> <td>= \$</td> <td></td> </tr> <tr> <td>\$</td> <td></td> <td>x</td> <td></td> <td>= \$</td> <td></td> </tr> <tr> <td colspan="5">TOTAL: \$</td> <td>50,772.00</td> </tr> </table> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____ _____</p> <p><input type="checkbox"/> Other: _____ _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p>PROPOSED BASE: \$ <u>50,772.00</u></p> <p>III. ATTORNEY'S FEES (Treated as § 507 Priorities)</p> <p>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,881.00</u></p> <p>Signed:  Debtor</p> <p> Joint Debtor</p>	\$	200.00	x	24	= \$	4,800.00	\$	1,277.00	x	36	= \$	45,972.00	\$		x		= \$		\$		x		= \$		\$		x		= \$		TOTAL: \$					50,772.00	<p>II. DISBURSEMENT SCHEDULE</p> <p>A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____</p> <p>B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:</p> <p>1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <u>COOP A/C JESUS OI</u> Cr. _____ # <u>1102382080425</u> # _____ \$ <u>9,612.26</u> \$ _____</p> <p>2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. <u>HACIENDA SAN JOS</u> Cr. <u>LEE COUNTY TAX C</u> Cr. _____ # <u>415</u> # <u>334323C103896 053C</u> # _____ \$ <u>2,090.75</u> \$ <u>2,568.00</u> \$ _____</p> <p>3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____</p> <p>4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder:</p> <p>5. <input type="checkbox"/> Other:</p> <p>6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <u>BANCO POPULAR D COOP A/C JESUS OI</u></p> <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____</p> <p>2. Unsecured Claims otherwise receive PRO-RATA disbursements.</p> <p>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) Debtor(s) consents to the LIFT of STAY in favor of BPPR (POC 11), for the purpose of loss mitigation modification that will include all pre and post-petition arrears, therefore the Trustee will make no disbursements to BPPR (POC 11). Priority (Dpto. Hacienda): \$1,407.00; Real Property Special Tax: (Pin Number 224-039-729-39-0000) arrears \$926.00, (Pin Number 225-023-885-21-001) arrears \$444.00 will be paid through the Trustee. CRIM: Pin Number 224-039-729-39-0000 arrears \$1,593.00 ; Pin Number 225-023-885-21-001 arrears \$1,110.00 will be paid through the Trustee. Debtor to continue making current direct payments to CRIM. Late filed claims filed by creditors will receive no distribution. "Surrenders collateral": Shares/savings in any Cooperativa/Association/Bank. Debtor reserves the right to object claims after plan confirmation.</p>
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